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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/803,404 | 03/18/2004 | Darrel J. Svendsen | 14124-1 | 5565 |

25542 7590 11/02/2004

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EXAMINER

LEE, KEVIN L

ART UNIT PAPER NUMBER

3753

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,404

Applicant(s)

SVENDSEN ET AL. 

Examiner

KEVIN L LEE

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/04 & 5/24/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunnell et al (U.S. Patent No. 6,789,568). The patent to Bunnell discloses a fuel tank system for a vehicle, comprising a first fuel tank (112) and a second fuel tank (116), a cross feed line (120) coupled to and between the tanks, and a check valve (150) pivotally disposed in the cross feed line.

Claim Rejections - 35 USC § 102

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunnell et al in view of Kramer (U.S. Patent No. 4,702,274). The check valve of Bunnell et al lacks being comprised of a substantially planar and circular polymeric sheet having an upper portion, a lower portion, and a polymeric hinge portion formed integral with and coupling the upper and lower portions, the valve further including planar stiffener sheets fixed to the polymeric sheet. The patent to Kramer teaches the above exception in providing a flapper valve (55) comprising a substantially planar and circular polymeric sheet having an upper portion, a lower portion and a polymeric hinge portion integral and coupling the upper and lower portions. Two stiffener sheets (58, 59) are coupled to the valve element (55) via at least one fastener (60), see Figure 3. In view of the teaching of Kramer, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the valve system of Bunnell et al to include a check valve comprising a substantially planar and circular polymeric sheet having an upper and lower portion and stiffener sheets to provide a reinforced check valve which is chemically resistant to the fuel supply.

Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer. The patent to Kramer discloses a flapper valve (55) comprising a polymeric annulus (28) having a bottom end having a width in an axial direction greater than a thickness in a radial direction. A generally planar valve element (55) has an upper end fixed to the annulus. Stiffener sheets (58, 59) are coupled to the valve element (55) via at least one fastener (60), see Figure 3. The claimed recitation of the flapper valve "for a

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fuel tank system" is considered to be a suggested use. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the valve of Kramer to control the fluid flow through a fuel tank system.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herlihy (U.S. patent no. 5,285,816). The patent to Herlihy discloses a flapper valve comprising a polymeric annulus (11) having a bottom end having a width in an axial direction greater than a thickness in a radial direction. A generally planar valve element (30) has an upper end fixed to the annulus. The claimed recitation of the flapper valve "for a fuel tank system" is considered to be a suggested use. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the valve of Herlihy to control the fluid flow through a fuel tank system. In particular regards to claims 13 and 14, a stiffener sheet (36) is fixed to a lower portion of the circular polymeric sheet (30), col. 2, lines 58-67.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L LEE whose telephone number is (703) 308-1025. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE MANCENE can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OCTOBER 27, 2004


Kevin Lee
Primary Examiner